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*Previous references.*

File No. 9-19

1919.

( Legis )

Serial Nos. Nil

*Later references.*

etc. 108-20 (6-11)

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# GENERAL AND REVENUE SECRETARIAT.

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*Serial Nos.* Nil

Part B for Nov-19

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SUBJECT.

Amendment of s. 14 of the Village Courts Regulation 1913.

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H. E. Cheyer
12/11/19.

W D 1250—GPB—30,000 - 28-1-19

G. R. S. III—1] 1919.

GENERAL AND REVENUE SECRETARIAT.

( Legis )

NOTES.

File No. 9-19

FILE HEADING.

Amendment of S. 14 of the Village Courts Regn., 1913.

From

| No. | Dated | Received |
|---|---|---|
| Diary No. | Enclos. Spare Copies. | Serial No. |

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

Extract from notes in Legis 19-17

× × × ×

A representation was made at the last meeting of the Representative Assembly for amendment of the Regn

G. R. S. III-2]

General and Revenue Secretariat.

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to enable a suit being filed in a village munsiffs Court as against a defendant residing outside the territorial limits of the village Court. This may be worked up early so that the amendment may be taken up along with this bill (Bill further to amend the Village Courts Regn)

Initd) M. K. K

a) " Please open a separate file at once & proof copy of the Nasara proceedings may be obtained and work started

Initd) P. M 20/8/19

3) Orded A proof copy of the Nasara proceedings to put up. The Dewan has started therein that it is not possible to amend the Regn as suggested by the Rt A member

4) The wording of S. 14 of the Regn does not seem to follow that of S. 15 of the Madras Act I of 1889

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5) It is a point for consideration whether a draft rule has to be prepared substituting the words "the cause of action arose" for the words "all the defendants" [illegible] in S. 1 C, of the Regn

~~It is submitted that before the proposed rule can be reported to the Select Committee it will be necessary to obtain the opinion of the Chief Court~~

Submitted for orders

89 22/8/19

6) For the opinion of the Chief Court in regard to the proposal of the R.A please see the Subjects Book (1) put up (Flag. C)

ASR 22/8

7) Please put up a draft Bill for consid^n

D. M. 23/8

8) Submitted with a draft and with a statement of objects & reasons

89 25/8

Os the representation is that suits may be enabled to be filed also in places where the cause of action arose provision has been made in the

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the words "or the cause of action, wholly or in part, arises"
will be an addition to the ~~same clause~~ at the end of ~~section~~ S. 14 of the Regn

8G 9/8/19 Addn 9/8/19 9) Please have the Offg Bill + Statt R. typed as revised and put up the correspondg laws in Madras + Bombay on the subject

D.M. 30/8

Legs 30/8

10) Sd. Typed copies are put up. For corresponding provision in madras please see p. 69 s. 15 in the Madras VOL II code put up. The Bombay code containing the corresponding laws is not available

8G 10/9/19 Addn 11/9 11) I wish to see the corresponding provisions in the Burma Acts

D.M. 12/9

Sd 12) For the corresponding provision in the Madras Act please see S. 15 of the Madras Act no 1 of 1889 p. 69 of the code & Similar provision is contained in S. 11 of the U.P Act III of 1892 (p. 445 of the U.P local Acts) No other corresponding Act is available

8G 13/9/19 Addn

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until some more experience is gained and the people are better educated. The Chief Justice is not in favour of the proposed amendment as ~~[illegible]~~ has been noted in the Subject's Book at p. 73

H C.

It A draft Bill with Statement of Objects & Reasons is however sent for consideration of next Council.

D. M. 23/9

II Member 16) The difficulty referred to in the R.A. subject arises from the exclusiveness of the jurisdiction granted to the V.M. Court. ~~Court~~ One remedy may perhaps be to give concurrent jurisdiction to the V.M. Court & the ordinary Civil Courts in cases where the plaintiff & the defendant do not both reside within the jurisdiction of the Village Court.

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1576 28-9-19

The proposed amendment appears to be a regular & useful one & should be made in the place in which he resides though the defendant might not be residing ~~resident within the jurisdiction of that Court~~ at that place. The Secretariat will lead

D. M. 26/9

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To transfer notice why a magisterial decree against villages mentioned in Sch. should not be amended as proposed & R.P. has been repealed. The matter may be arranged in the normal.

20/10/19

D.M. 20/10

Submd. for orders if these papers may now be sent

27/10

D.M. 27/10

No D.M. 14

4/11

7 NOV 1919

PROTECTION

NOTE—Contn. sheet

SUBJECT No. 53.

Exclusion of women from the operation of Act XIII of 1859.

Mr. Srinivasa Rao, Chikmagalur Taluk.

*Dewan.*—said that the matter had already been considered and a draft bill was under the consideration of Government.

Messrs. B. Kesaviah of Chikmagalur Taluk and Thippiah, Challakere Taluk.

*Reply of Government.*—The bill is under preparation.

SUBJECT No. 54.

Repeal of the Insolvency Regulation.

Messrs. Padmanna, Chandrasekhariah and K. Venkatasamiah, Nanjangud Taluk.

*Mr. K. Venkatasamiah.*—There is considerable difference between the old and the new Insolvency Regulation. The old regulation was better-but the new regulation has been passed without the opinions of the Bar Associations and of the Judges being obtained, and we have to make the best of it. I shall give a list of the points in which modification is necessary. Action may be taken to have the regulation modified. The best thing would be to revive the old regulation. If that was not possible, the new one may be modified.

*Mr. C. S. Doraswami Iyer.*—Where is there anything like the old Regulation?

*Mr. Venkatasamiah.*—I mean the portion of the Civil Procedure Code relating to this matter.

*Mr. C. Subba Rao.*—The Regulation makes no provision for the appointment of an official receiver.

*Mr. C. S. Doraswami Iyer.*—Government are aware of the defects and amendments to the Regulation are under consideration. If members forward their suggestions, Government will consider them all in that connection.

SUBJECT No. 55.

Amendment of Village Courts Regulation.

(1) Mr. T. G. Nagappa, Tumkur District Board.
(2) Messrs. H. Venkataramiah, C. Krishna Rao and H. Ramakrishniah, Tumkur Municipality.
(3) Messrs. Anantarajappa and Anantalakshminaranappa, Tumkur Taluk.
(4) Mr. Hutohvuere Gowda, Gubbi Taluk.

*Summary of discussion*—(1) Village Courts may be empowered to take cognizance of all kinds of civil disputes involving claims of the value of not more than Rs. 20.

(2) The Village Courts Regulation may be amended so as to allow suits falling under the regulation to be filed also in places where the cause of action arises.

(3) In the draft of then proposed Village Courts Regulation published on 20-10-1892 it was provided in section 8 that Village Shanbhog was to assist Village Munsiffs in clerical work and in sections from 74 to 80 the Village Munsiff was given power to take cognizance of and ward penalties for certain offences under the Regulation, but these provisions were omitted in the Regulation finally passed and brought into force. They may be embodied in the Regulation to create facilities for the proper discharge of Government work.

(4) The money limit of suits cognizable by Village Courts without the consent of the defendants under the Regulation may conveniently be raised to Rs. 50.

*Mr, C. S. Doraswami Iyer.*—For individual cases of hardship, the Village Courts Regulation should not be

amended. It was introduced to simplify procedure in small cases and proposals like this will make it complex and defeat its first purpose.

*Mr. Venkataramiah.*—Munsiffs' Courts may be given jurisdiction in such cases.

*Dewan.*—(1) and (2) Not possible.

(3) and (4) Government will call for particulars and if there is demand for such a change, will pass necessary orders.

SUBJECT No. 56.

Definition of "public purpose" in Land Acquisition Regulation.

Mr. B. Gundu, Rao Devanhalli Taluk.

Mr. Gundu Rao wanted that "public purpose" in the Land Acquisition Regulation should be defined.

*Dewan.*—What is the hardship in the present conditions?

*Mr. Gundu Rao.*—Acquisition is often made for doubtful purposes. This would not be possible if the word were defined.

*Mr. C. S. Doraswami Iyer.*—It is not possible to recount once for all if possible public purposes for which acquisition may be necessary. That is why the Act explains the phrase, without defining it, to include certain objects. The phrase should be elastic.

*Mr. Gundu Rao.*—But it is misapplied.

*Dewan.*—Can you give instances?

Messrs. Gundu Rao, H. Krishna Sastry and Krishnappa gave instances.

*Reply of Government.*—There may be instances where the Act has been misapplied. Such cases may be brought to notice. Legislation will not improve matters.

SUBJECT No. 57.

Amendment of the Court Fees Act.

(1) Mr. B. R. Chowdiah, Chitaldrug Municipality.
(2) Messrs. A. Narayana Iyengar, Hassan Municipality and B. Alasinglachar, Hassan Taluk.

The Court Fees Act may be amended so as to levy court fee on the proportionate value of five times the assessment for the portion of the land in dispute in such case.

*Reply of Government.*—The whole position will be examined in the Legislative Department.

SUBJECT No. 58.

Amendment of the Cattle Trespass Act.

Mr. H. Krishnamurthyachar, Mulbagal Taluk.

*Mr. Krishnamurthyachar*—said that proper measures should be passed to keep away the goats that come and destroy plantations. A license fee of 8 annas might be levied on every goat that is kept.

*Dewan.*—If they come to the forests, they can be impounded.

*Mr. Krishnamurthyachar.*—They cannot be caught. Some restriction is necessary.

*Mr. M. Karnick Krishnamurthi Rao.*—Only those who have plantations should be allowed to keep goats.

The Dewan said that licensing goats is not practicable. This matter had been considered by the Forest

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13) As regards the proposals to amend the V. Courts Regn, 1913, so as to enable suits being filed against ~~a~~ defendants residing outside the territorial jurisdiction of the Courts, it is submitted that the amendment would be a great advance on the law in force in Madras. ~~but~~ The model of which our Regn is framed has not been amended on the lines proposed by the Rt. H member, and the law in the United Provinces is the same as that in Madras (Mad. Act I of 1889 & U.P. Act III of 1892)

a variation from

14) The object of the establishment of Village courts seems to be to provide courts for the quick decision of simple claims arising between parties known to the Courts. It should also be cheap and it is essential that the procedure should be as simple as possible. The sums to be claimed to double whether the time has come for the enlargement of the powers of these Courts as proposed. We may perhaps be hasty

NOTE—Contn. sheet.

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